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# HOUSE RESEARCH ORGANIZATION

## daily floor report

Thursday, August 10, 2017  
85th Legislature, First Called Session, Number 17  
The House convenes at 9 a.m.

Two bills are on the daily calendar for second-reading consideration today:

SB 20 by V. Taylor	Continuing the Texas Medical Board and four other boards until 2019	1
SB 60 by V. Taylor	Repealing budget riders related to medical and psychology boards	4

The House also is scheduled to consider two bills on third reading.

The House General Investigating and Ethics Committee is scheduled to hold a public hearing in Room E1.010 at 3 p.m. or upon adjournment.

The Senate Health and Human Services Committee was scheduled to hold a public hearing in Room E1.016 at 9 a.m.



Dwayne Bohac  
Chairman  
85(1) - 17

SUBJECT: Continuing the Texas Medical Board and four other boards until 2019

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 8 ayes — Cook, Giddings, Geren, Guillen, Kuempel, Oliveira, Paddie, E. Rodriguez

0 nays

5 absent — Craddick, Farrar, K. King, Meyer, Smithee

SENATE VOTE: On final passage, July 20 — 31-0

WITNESSES: *On House companion bill, HB 1:*  
For — Stephanie Kneedler, Texas Association of School Psychologists; David Nalle, Republican Liberty Caucus; (*Registered, but did not testify*: Bonnie Bruce, Texas Society of Anesthesiologists; Adam Cahn, Cahnman's Musings; Jaime Capelo, Texas Chapter of the American College of Cardiology, Texas Society of Anesthesiologists, Texas Urological Society, Texas Society of Plastic Surgeons, Texas Academy of Physician Assistants; Dan Finch, Texas Medical Association; Will Francis, National Association of Social Workers-Texas Chapter; Shannon Noble, Texas Counseling Association; David White, Texas Psychological Association)

Against — None

On — Jason Vaughn, Texas Young Republicans Federation; (*Registered, but did not testify*: Erick Fajardo, Ken Levine, and Robert Romig, Sunset Advisory Commission)

BACKGROUND: If not continued in statute, the Texas Medical Board, the Texas State Board of Examiners of Psychologists, the Texas State Board of Examiners of Marriage and Family Therapists, the Texas State Board of Examiners of Professional Counselors, and the Texas State Board of Social Worker Examiners would be abolished on September 1, 2017.

The Texas Medical Board licenses and regulates medical practitioners in the state. It also oversees board regulatory programs for physician assistants, acupuncturists, and surgical assistants. In 2015, the Legislature transferred from the Department of State Health Services (DSHS) to the board the regulation of medical physicists, perfusionists, medical radiologic technologists, and respiratory care practitioners. In addition to medical licensing and regulation, the Texas Medical Board:

- registers and inspects pain management clinics and physicians who perform office-based anesthesia;
- investigates and resolves complaints;
- takes disciplinary action when necessary to enforce the board's statutes and rules; and
- monitors compliance with disciplinary orders.

The Texas State Board of Examiners of Psychologists examines, licenses, and monitors psychologists, psychological associates, and licensed specialists in school psychology. The board also enforces violations of the Psychologists Licensing Act and board rules by investigating complaints, taking action against violators, and monitoring compliance of disciplined licensees.

The Texas State Board of Examiners of Marriage and Family Therapists, the Texas State Board of Examiners of Professional Counselors, and the Texas State Board of Social Worker Examiners are each administratively attached to DSHS. These boards license marriage and family therapists, professional counselors, and social workers, respectively. Each board also investigates, enforces, and takes disciplinary action when necessary for a violation related to board rules or the licensed profession.

**DIGEST:** SB 20 would continue until September 1, 2019, the Texas Medical Board, the Texas State Board of Examiners of Psychologists, the Texas State Board of Examiners of Marriage and Family Therapists, the Texas State Board of Examiners of Professional Counselors, and the Texas State Board of Social Worker Examiners.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take

effect on the 91st day after the last day of the special session.

**SUPPORTERS  
SAY:**

By extending the Sunset date for five regulatory boards, including the Texas Medical Board, to September 1, 2019, SB 20 would help ensure that physicians and other professionals licensed by these boards continued to receive appropriate licensure and oversight in Texas. The bill's language is specific to the governor's special session proclamation, and any additional changes to these boards would be beyond the scope of the bill.

**OPPONENTS  
SAY:**

To avoid duplication of efforts by the Sunset Advisory Commission, SB 20 should extend the Sunset date for these boards for the recommended 12 years and implement remaining Sunset recommendations from the 2016-17 review cycle.

**NOTES:**

A companion bill, HB 1 by Gonzales, was approved by the House on July 25 and referred to the Senate Business and Commerce Committee on August 7.

SUBJECT: Repealing budget riders related to medical and psychology boards

COMMITTEE: Appropriations — favorable, without amendment

VOTE: 17 ayes — Zerwas, Longoria, Ashby, Capriglione, Cospers, Giddings, Gonzales, Howard, Koop, Miller, Perez, Phelan, Raney, Roberts, Rose, VanDeaver, Wu

0 nays

10 absent — G. Bonnen, S. Davis, Dean, Dukes, González, Muñoz, J. Rodriguez, Sheffield, Simmons, Walle

SENATE VOTE: On final passage, July 20 — 31-0

WITNESSES: *On House companion bill, HB 2:*  
For — (*Registered, but did not testify:* Gregory Hansch, National Alliance on Mental Illness (NAMI) Texas)

Against — None

On — (*Registered, but did not testify:* Ken Levine, Sunset Advisory Commission)

BACKGROUND: In the fiscal 2018-19 general appropriations act, Rider 6 following the appropriations to the Texas Medical Board and Rider 2 following the appropriations to the Texas State Board of Examiners of Psychologists make fiscal 2019 funding for each board contingent on the enactment during the 85th Legislature's regular session of legislation to continue the boards. The regular session ended without the Legislature authorizing the continuation of these boards.

DIGEST: SB 60 would repeal two riders in the fiscal 2018-19 general appropriations act that make fiscal 2019 funding for the Texas State Board of Examiners of Psychologists and the Texas Medical Board contingent on the enactment during the 85th Legislature's regular session of legislation to continue the boards.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect on the 91st day after the last day of the special session.

**SUPPORTERS  
SAY:**

SB 60 is necessary to continue funding for the Texas Medical Board and the Texas State Board of Examiners of Psychologists. During the first called session, each chamber has approved a bill authorizing the continuation of both boards (HB 1 by Gonzales and SB 20 by V. Taylor), but two contingency riders in the fiscal 2018-19 budget must be repealed to ensure that the boards continue receiving funding for the coming fiscal biennium. This bill would repeal those riders to ensure that both boards receive the funds appropriated to support their operations until September 1, 2019, the new Sunset date authorized in HB 1 and SB 20.

**OPPONENTS  
SAY:**

No apparent opposition.

**NOTES:**

A companion bill, HB 2 by Gonzales, was approved by the House on July 28 and referred to the Senate Business and Commerce Committee on August 3.

SB 20 by V. Taylor, which would authorize the continuation of five boards, including the Texas Medical Board and the Texas State Board of Examiners of Psychologists, appears on today's daily calendar.